

Law Enforcement News

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In this issue:

Around The Nation: A coast-to-coast roundup of police news. **Pages 2, 3.**

People & Places: Putting his mettle to the pedals; a chief's model policy; up for the game; a pioneer's passing; **PERF** says 'hail to the chief.' **Page 4.**

Mind games: 'Brain fingerprinting' gets court OK. **Page 5.**

Old West meets the new: Help from an unlikely source for a sheriff's posse. **Page 5.** **School's out:** A tuition-aid program for cops may be in peril. **Page 5.**

Bargaining agents: FOP gives top priority to right-to-unionize legislation. **Page 6.** **Crimes against nature:** Special units tackle cactus thefts. **Page 6.**

Selective enforcement: Giving a neighboring chief a break gets cop in hot water. **Page 6.**

In the crosshairs: Las Vegas officials say the FBI kept them in the dark about terror threats. **Page 7.**

Talk of the town: NYPD hostage unit marks 30 years of success. **Page 7.**

Back to school: Kentucky doubles dispatcher training. **Page 8.**

Learning to share: State & tribe focus on repeat DUI problem. **Page 8.**

Heating things up: Border Patrol seeks to curb deaths in the desert. **Page 8.**

Good news, bad news: FBI gets new intel chief — and new spy scandal. **Page 8.**

Forum: What Marines & a sheriff's tactical unit can learn from each other. **Page 9.**

Paper chase: Pennsylvania cop is found to lack a key ingredient. **Page 10.**

Cracks in the wall: The price of slaying quiet about fellow cops' drug conspiracy. **Page 11.**

Move over, eBay:

NYPD logs on to online property auction site

Cameras, Rolex watches, shoes, umbrellas and myriad other goods large and small seized or otherwise acquired by the nation's largest police force will now be auctioned off eBay-style on a Web site that already provides the same service to nearly 200 other law enforcement agencies across the country.

Called PropertyRoom.com, the site caters to the Internet shopper — a group that the New York City Police Department hopes to tantalize with its expanding warehouses of merchandise.

According to William Flynn, executive director of the NYPD's Support Services Bureau, the department takes

Can you hear me now?

Communications interoperability gauged in new report

Overall improvement in communications interoperability among public safety agencies has been steady over the past year — and in some jurisdictions, nothing short of dramatic — yet experts predict that it will still be a long time before the nation sees the type of communication between police, fire and emergency medical services that only money and bandwidth, both of which are in short supply, can provide.

Interoperability, or the ability of agencies to communicate via a single, wireless communication system, was considered a problem by law enforcement even before the Sept. 11, 2001, terrorist attacks, the Columbine High School massacre and other natural or man-made disasters thrust the issue into the spotlight.

In a report released in February, the National Task Force on Interoperability pointed to five key reasons why agencies cannot talk to each other: Incompatible or aging equipment; limited funding for replacing outdated communications systems; inadequate planning; lack of cooperation, and a limited and fragmented amount of radio spectrum available to public safety.

"In virtually every major city and country in the United States, no interoperable communications system exists to support police, fire departments, and county, state, regional, and federal response personnel during a major emergency," said the Council on Foreign Relations in its 2002 report, "America Still Unprepared, America Still in Danger," which was cited by the task force study. "Radio frequencies are not available to support the post-incident communication demands that will be placed on them, and most cities have no redundant systems

to use as backups."

Harlin McEwen, who represents the International Association of Chiefs of Police and other law enforcement organizations on the task force, said there is a sense that things are getting better, but money remains the largest single obstacle.

"Every city, every county and state I know of in this country is under severe fiscal constraints," he told Law Enforcement News. "They're in

Progress has been steady, even dramatic in some cases, but significant obstacles remain to be overcome.

trouble because of the economy and other money they're spending on security issues relating to the worry about terrorism and all that. Some are in desperate need of new systems and don't have the money to do it. There are places putting in new systems, but it takes about three years to put in a major system; it doesn't happen in six months."

Another challenge has been obtaining adequate radio channels for public safety, said McEwen, a former FBI official and police chief of Ithaca, N.Y. This is particularly true of major cities such as New York, which competes with agencies in the adjacent states of New Jersey, Connecticut and

Pennsylvania for a limited number of channels.

Radio spectrum, the means for transmitting signals, has become increasingly scarce as evolving technology has resulted in a number of electronic devices that require more and more of it to operate, the task force noted.

While the public safety sector has been authorized by the Federal Communications Commission to operate in 10 separate bands — a greater number than it had previously been allotted — the solution has resulted in greater fragmentation. Moreover, many of the newer digital systems use proprietary techniques so that even when both agencies are operating on the same 800-megahertz frequency, they still cannot communicate.

The most chilling example of non-interoperability, of course, was Sept. 11 when firefighters were unable to communicate not only with police and EMS, but with their own colleagues.

"In a major emergency of that magnitude, you need a number of radio channels to be able to handle that size of an incident," McEwen said. "They really don't have enough radio spectrum in the police and fire department in New York City to handle anything that big."

Yet the past year has seen remarkable improvement, according to Rick Murphy, program manager for the Public Safety Wireless Network (PSWN), a federally-funded initiative that operates at the state and local level.

This month, the program released its second report card on the nation's interoperability status. A state-by-state assessment found that on a scale

Continued on Page 10

Timoney's Miami welcome includes DoJ critique of policies & procedures

After conducting a top-to-bottom, unit-by-unit review of the Miami Police Department prior to his taking command, the city's new chief, John Timoney, said there were not many surprises to be found when a Department of Justice report landed in his lap last month.

An assessment by the Justice Department's Civil Rights Division came to many of the same conclusions about the police department that he had

— namely that, at the very least, clearer guidelines on the use of force needed to be established, Timoney told Law Enforcement News.

The report was issued one month before the convictions on April 9 of four former officers on conspiracy charges in the biggest police scandal to hit the city since the River Cops case of the 1980s, when rogue officers peddled cocaine stolen from drug traffickers.

In the recent case, a total of 11 de-

fendants stood trial. In addition to the convictions, the jury in federal district court also acquitted three, and returned mixed verdicts against four others. The case centered on four shootings in the mid-to-late 1990s which left three men dead and one wounded.

Former officers Jorge Castello, 34, Jesus Aguero, 40, and Arturo Beguiristain, 42, were convicted of conspiracy for planting a handgun on a homeless man, Daniel Hoban, in 1997

after mistaking his Walkman radio for a gun used in a robbery. Another former officer, Oscar Ronda, 41, was convicted of obstruction of justice for trying to cover up the crime.

Aguero and Beguiristain were also convicted of conspiracy to obstruct justice in a 1996 case in which Aguero shot an unarmed purse-snatching suspect, Steven Carter, who was not hit.

"They felt they had to convict some-
Continued on Page 11

in more goods than any other. The city's tough-on-crime policies have resulted in a burgeoning load of merchandise, auctions of which currently bring in an estimated \$3.5 million a year.

"It has a ripple effect on the amount of property that has come into police possession," he told Court TV. "We wind up with truckloads of material. It's sort of the back story on the drop in crime and it's a costly operation to dispose of it."

The Web site was launched two years ago by Property Bureau, a California-based online auction house founded and owned by former police

officers, including retired New York cop Tom Lane. Instead of selling goods in bulk lots, as the department was doing — 1,000 seized sweatshirts for \$1,000, for example — PropertyRoom.com allows buyers to bid for packages of 10 sweatshirts that can be sold for an estimated \$50.

A bar code-based inventory management system, for which a patent is pending, manages the tracking and merchandising of property-room goods, and their placement on the Internet. In addition, the Web site has a national registry of stolen goods called StealItBack.com, which lists items with serial

numbers that have been reported lost or stolen. Any items found after a database search will be returned to the department that reported the theft or loss.

Departments can also maximize interest in their goods by developing relationships with repeat customers.

Said Flynn: "If you are interested in photography and you don't win a bid on a camera, we can send you an e-mail the next time we have a camera."

In 2002, the Web site attracted 1.3 million visitors and closed 98 percent of its auctions. PropertyRoom.com is used by police and sheriff's agencies throughout California, including Ox-

nard, San Francisco and Pasadena, as well as in Gilbert, Ariz., and Bloomington, Ind., among other locations.

The NYPD will begin phasing out its traditional auctions within the next month. In the future, everything except cars will be sold online, although Flynn noted that even auto auctions, which make up at least half of the NYPD auction revenue, may eventually be sold online if enough customer interest is discerned.

"Our goal with the new system is as soon as we have property that is cleared for auction, we don't have to wait and keep it in our warehouse," said Flynn.

Around the Nation

Northeast



CONNECTICUT — The South Windsor Police Department will participate in the Lost Child Alert Technology Resource program, which provides computer software and hardware needed for the rapid distribution of critical information about missing children. The system, which is compatible with the "Amber Alert" plan, includes templates of posters for crime alerts and notices of missing children or adults.

MAINE — A questionnaire has been mailed to about 1,000 South Portland residents, soliciting their opinions of the city's police department. Chief Ed Googins plans to use the results over the next few months while developing the department's short- and long-term strategic plan. The survey asks respondents to rate their interactions with police, major crime problems in their neighborhoods, and police strategies.

MARYLAND — The House of Delegates appointed a task force to study whether illegal immigrants should be allowed to obtain driver's licenses. Latino activists say that the bill would make the state's highways safer because the immigrants currently drive without licenses or insurance. Opponents, however, argue that relaxed standards would cause a security risk. It is estimated that between 100,000 and 200,000 undocumented immigrants live in the state.

NEW HAMPSHIRE — By the summer, police throughout the state will have new palm-sized Preliminary Breath Testing devices to help them identify drunk drivers. A subject blows into a small tube on the unit, which provides an immediate readout of blood-alcohol level. Legislation has been introduced to allow the machine's readout to be used as evidence of intoxication.

NEW JERSEY — Four Bloomfield police officers have been charged with manslaughter for fatally injuring Santiago Villanueva when they subdued him during an epileptic seizure. The officers were sent to a garment factory where Villanueva worked because co-workers called 911 when he had a seizure. The officers say they used force to restrain him because they feared he would hurt himself. Members of Villanueva's family say that the officers yelled at him to speak English and accused him of using drugs because he was frothing at the mouth. The officers then wrestled him to the floor, applying pressure to his neck.

NEW YORK — New York City police detective Sean McLaughlin was arrested for drunken driving April 14 after he crashed his car into two other vehicles while heading the wrong way on a parkway in Queens. After being taken to a hospital he first refused a Breathalyzer but investigators obtained a court order authorizing the hospital to perform a blood test. If convicted, he faces dismissal from the police department, under a zero-tolerance policy implemented last year by Commissioner Raymond Kelly.

Investigators have identified two more women they say were imprisoned and

raped by a man in his underground bunker in DeWitt. John T. Jamelske, 67, is being held without bail on charges of kidnapping, imprisoning and raping a 16-year-old girl he kept in his bunker for six months. Another woman came forward after his arrest to say that she had been captive for two months but when she first told police two years ago, she was not believed. Authorities have since found photos of other victims.

The Elmira Police Department has launched an internal investigation into the April 10 shooting of a SWAT team member during a training exercise. Joseph Miller, a 30-year veteran of the SWAT team, was treated for a gunshot wound in the upper arm although "simulations" were supposed to be used in the exercise. Five members of the team were in the room when the shooting occurred.

New York City Police Commissioner Raymond W. Kelly plans to reassign more than half of the department's undercover detectives because they have been performing undercover duties for more than three years, the informal limit. The 192 transfers were in part driven by the loss of 4,300 officers since March 2000, a reduction in force of nearly 10 percent.

Former Suffolk County highway patrol officer Frank Wright pleaded guilty April 9 to violating the civil rights of four female drivers he had either inappropriately touched or forced to undress after detaining them and taking them to remote locations.

PENNSYLVANIA — Investigators have broken up a professional burglary and robbery ring responsible for as many as 300 crimes throughout southwestern Pennsylvania that netted them nearly \$500,000. The investigation began after police departments in eastern Allegheny County compared information with their counterparts in adjoining Westmoreland County. Restaurants and clubs were prime targets.

Jurors in a police brutality case have ordered Easton police officers to pay \$218,500 in punitive damages and the city to pay \$1 million in compensatory damages. The jury found that the city and four officers violated two men's rights when they were bitten by police dogs, and the rights of another man who was beaten with a baton. Police say they were defending themselves when a crowd charged them after a 1997 high school football game, but the three men testified that the crowd had done nothing to provoke police. The jury said officials failed to provide proper supervision and training, but reserved its harshest criticism for Mayor Thomas Goldsmith, who they say failed to monitor the police force adequately after running on a platform of police reform.

The Philadelphia Police Department leads the nation in police brass with 168 commanders, according to a report published by The Philadelphia Inquirer. There is one commander for every 42 officers, compared to one for every 49 in New York, and one for every 91 in Los Angeles. Police Commissioner Sylvester Johnson is seeking to promote another 32 commanders to prepare for future retirements.

VERMONT — Eleven-year-old Jordan Noyes will be able to donate a bullet-

proof vest to a Border Patrol K-9 after U.S. Senator Patrick Leahy rewrote a new Homeland Security bill that precluded such gifts. After Noyes had raised the \$720 to buy the vest, her parents contacted Leahy, who worked to have the law changed to allow contributions that are examined individually.

Southeast



ALABAMA — Former Pelham police officer Jeff McCord, 33, went on trial April 14 on charges that he helped his wife kill her ex-husband and his new wife in February 2002 because of a child visitation dispute. McCord's wife was convicted in February.

FLORIDA — Miami-Dade police Sgt. Felix Martinez was arrested April 10 for allegedly altering a stripper's traffic court records in exchange for nude dances, which she did for him while he was in uniform and on duty. Investigators said that Martinez forged a source's signature, falsified information and instructed the stripper to lie in court.

The Hillsborough County Sheriff's Department recently rolled out eight new unmarked cars, which are being used along with helicopters and airplanes as part of the Sheriff's Traffic Operations Plan. The plan focuses on roads that have a large number of accidents. Traffic deaths increased from 177 in 2001 to 220 in 2002.

The Cedar Grove Civil Service Board ordered Police Chief John Ferrick to write letters of apology for telling a 17-year-old white girl that she should stay away from black men. The girl, her mother and a friend had gone to Ferrick to complain that the girl's former boyfriend, who is black, beat her. According to the mother, Ferrick told the girl that she should stay away from black boys and that she was lucky he didn't cut her throat. The chief never denied making comments but said he never said anything about her getting her throat cut.

GEORGIA — Glynn County police have arrested a second man in the fatal shooting of off-duty Brunswick Police Officer Melvin Collins, 31, during a convenience store robbery. Two men entered the store and shot Collins, who was working as a clerk. An off-duty United States marshal, who was shopping in the store, shot one of the suspects, Taurean Donte Hardy, 20, but the other man, Daniel Kayshawn Brown, also 20, got away. Collins had joined the department in December.

LOUISIANA — A civil service board in Alexandria has upheld the firing of former police officer Vennie Powell Jr., who shot a suspected shoplifter. Powell fired nine shots at a car driven by Sherry Pennington, hitting her in the arm and lower back. Powell plans to appeal.

A DNA test has cleared state trooper Jason Alston as a suspect in the south Louisiana serial killings, but he remains one of about 50 suspects in the killing of 44-year-old Teresa Gilcrease of Oregon. Gilcrease, who was last seen leaving a bar with an unidentified man, was found on June 10 in a remote road near

Louisiana State University in Alexandria. She was stabbed at least five times and run over by a vehicle.

MISSISSIPPI — Authorities in Mississippi and Tennessee have detected similarities in a series of about 40 burglaries along the U.S. 45 corridor. Witnesses to a number of the burglaries described a similar vehicle parked near the victimized homes.

Hinds County Judge Swan Yerger has thrown out the rape conviction of former Jackson police officer Shelly Coleman for having sex with a 13-year-old girl, because he said prosecutors should have disclosed to the defense that there was a deal with a key witness, Trevor Jones, another ex-officer who also faced charges. There was evidence that Jones was told that if he cooperated, his criminal charge would be expunged.

NORTH CAROLINA — The Police Reserve Unit in High Point has saved the city's taxpayers \$56,000 last year by working more than 3,700 hours. The unit, which has 13 sworn officers and eight civilian members, has been in existence for more than 33 years.

TENNESSEE — Murfreesboro police Lt. Alvin Randolph was indicted on charges including assault and false imprisonment, and stripped of his police powers, after he arrested four people who refused to board a school bus he was driving. On Jan. 21, Randolph allegedly went to a street in a bus he drove part time and ordered the people there to get on the bus or they would "go to jail for life." When they refused he had the people arrested. Witnesses say Randolph also struck one of them with a baton and pointed his gun at a bystander. The arrested people said they had no idea why Randolph wanted them on the bus.



KENTUCKY — Former Lexington police officer Anna Rathke Phillips, who alleged that now retired police chief Larry Walsh forced her to have sex, wrote a letter to a prosecutor saying that she still believes he acted inappropriately but "cannot say with any certainty what happened." A judge will consider whether to bar Phillips's original deposition or allow the letter into evidence at a trial in which another female officer is suing Walsh for sexual discrimination. Walsh said that his relationship with Phillips was consensual.

Former Louisville narcotics detective Mark Watson, 39, who pleaded guilty to 299 felony counts, was sentenced March 24 to 20 years in prison. Watson's charges included 21 counts of burglary and 133 counts of tampering with public records, as well as bribing a witness, perjury and theft. As part of his plea, he testified against his former partner and co-defendant, Christie Richardson, 36, who was found guilty on several counts of tampering with public records and a count of criminal possession of a forged document.

WISCONSIN — A convicted sex offender in Milwaukee, Keith Michael Addy, has been charged with killing and dismembering a woman he met through an escort service. Anna Marie Lewandowski, 19, went to Addy's apartment and 13 hours later, when she had still not come home, her sister called the police. The officers found Lewandowski's remains in a garbage bin. Although Addy initially denied knowing her, officers who searched his

with a blow dart during a traffic stop. The deputy was struck with a dart in his bullet-resistant vest, just inches away from his throat. Beasley was found about 20 yards away with an aluminum blowgun.

The Detroit Police Officers Association is threatening to go to court over a department order issued in February that all officers maintain a cleanly shaved face during orange and red terrorism alerts. Department brass ordered the no-fuzz edict, maintaining that gas masks can only be correctly fitted to smooth skin and that even a slight beard growth can allow some penetration. About 200 of the department's 4,200 officers have medical clearances to grow beards because of various skin conditions.

Detroit Deputy Chief Gloria Reynolds has been assigned the task of finding a suitable computerized system to track officers' behavior, after City Council members pointed out that the city paid \$14.3 million last year in lawsuit settlements and judgments involving police officers. As early as 1997, a risk consultant with the Police Assessment Resource Center suggested that the department have such a system.

Police departments across the state are starting to drive squad cars with advertising on them. In exchange for free vehicles, police in Ferndale are advertising the local Ford dealership. Police in Pleasant Ridge have begun looking for companies to sponsor them and many other cities' squad cars are sporting corporate logos.

OHIO — Cincinnati police say an improperly logged 911 call caused a delay in police response to the apartment where 81-year-old Laveme Jansen was fatally beaten. The police took 16 minutes to arrive after the call was logged as "unknown trouble," which gave the call a lower priority.

Seven-year-old Hausan Corbin of Cleveland was killed and his friend was injured when they were struck by a vehicle driven by a man fleeing a police officer from neighboring Brook Park. The officer pursued the driver after he was pulled over and then fled. The man had driven about half a mile when he turned and lost control of his vehicle, careening into the children.

Cincinnati police, who have been criticized for easing off enforcement since crime increased after the 2001 riots, are in turn criticizing the judges who they say have been too quick to release repeat offenders. The Cincinnati Enquirer reported that more than one-third of drug felons arrested by a police violent-crimes squad and convicted did no jail time, and another third did less than six months. Common Pleas Judge Norbet Nadel, however, says that the problem is that police need to be a more visible deterrent on the street.

MICHIGAN — In Pontiac, Matthew Beasley, 21, faces up to eight years in prison for attacking a sheriff's deputy

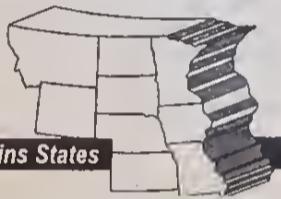
Around the Nation

apartment found human tissue and kitchen knives that matched the one discarded with her body, as well as blood spatters.

A Dane County judge ruled March 11 that state troopers who work an 8½-hour shift must be paid for their half-hour lunch breaks, as work rules require that they stay in uniform, remain armed, keep their radios on and not run personal errands. Bruce Davey, the troopers' attorney, said that deciding how to compensate them will be complicated because 220 troopers have made lunchtime pay claims dating back to 1994. Some have since opted to change to an 8-hour shift without lunch breaks.

Adams County Sheriff's Deputy Michael Shannon, 32, was shot to death on March 7 sparking an hours-long standoff that ended when the shooter was captured by a tactical team. Shannon had responded to a report from a roadside work crew who said that a man was threatening them with a rifle for trimming trees along his property.

The head of diversity for the Milwaukee Fire and Police Commission, Carla Cross, is leading the effort to create a citizen's police academy for the city. After five fatal police shootings of unarmed drivers in a nine-month period, she said that citizens need to have a better understanding of officers' duties.



Plains States

MINNESOTA — A grand jury has deemed appropriate a Minneapolis police officer's use of a neck hold to subdue Christopher Burns, 44, who died minutes after he was arrested and handcuffed. The officer's attorney said that there was nothing in the medical examiner's report that suggested the lateral vascular neck restraint, which is an authorized neck hold, was done improperly. Officers Mark Johnson and Lucas Peterson were responding to a domestic violence call when Burns started struggling. The medical examiner's report said that Burns had a history of high blood pressure with advanced coronary artery disease. Burns's fiancée testified that the police pressed a flashlight against Burns' neck.

According to a new state AARP poll, 82 percent of Minnesotans said they favor an increase in taxes if the money went to local governments to help with police, fire and other essential services.

The jobs of 11 of the 25 Minneapolis police officers, who faced layoffs after Chief Robert Olson presented his cuts last month, were reinstated because of early-retirement buyouts, military and voluntary leaves. Olson reportedly opposed the reinstatement because he expected the early retirements would reduce the number of officers who retire later in the year, having the overall effect of throwing off his budget.

St. Paul police have a new wireless records management system which features 160 squad car laptops and software that allows records to be searched for such things as names, addresses, stolen or recovered items, types of crimes and locations of incidents. The

new system allows for reports to be filed, read and approved within minutes instead of hours. Cmdr. Christopher Hoskins, head of the police department's record unit, said the system could revolutionize police work and put more officers on the street. A yearlong study will measure how much the new system saves in terms of paper and staffing costs.

State tax collectors are paying close attention to the returns from police throughout the state, after two former Minneapolis police officers and four active police officers claimed they did not owe state taxes. The officers in question "expatriated" themselves as citizens of the United States for non-taxpayer status or incorporated themselves in a way to avoid taxes. The state filed tax liens against former officers Douglas Leiter for \$10,597 and Travis Koenig for \$6,900. The active officers had not been named because no liens had yet been filed against them.

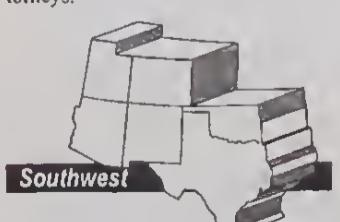
Last year, the state's traffic death toll hit 657 — the worst since 1981, when the total was 763.

MISSOURI — A ballot proposal to soften marijuana penalties in the city of Columbia and allow pot by prescription was recently defeated by a vote of 10,075 to 7,348. The deputy director of the White House Office of National Drug Control Policy, Scott Burns, visited the city before the vote to condemn marijuana but stressed that the Bush Administration was not telling people how to vote.

Because of the Missouri Corrections Department's new interpretation of a 1994 sentencing law, people convicted of attacking a police officer could get out of prison earlier than an offender who attacks a civilian. The law lists first-degree assault as a crime requiring that offenders serve 85 percent of their terms, but under the new interpretation, that law does not apply when the victims are officers. In such cases, the offenders only have to serve one-third of the sentence.

In April the state will be issuing new drivers' licenses, learners' permits and state identification cards that contain enhanced security measures. Among the upgrades will be the addition of a "ghost portrait" next to the main photo. They will also have an additional outline of the state and the words "Show Me," which will be visible only under ultraviolet light.

NORTH DAKOTA — In Fargo, an increase in drug arrests, coupled with an economic slowdown, has resulted in an increase in the number of criminal defendants who need legal help. One of the state's public defenders said that drug cases are growing more complex, posing a big challenge for defense attorneys.



ARIZONA — The Drug Abuse Resistance Education programs in Gilbert and Scottsdale may be eliminated in a series of budget cuts aimed at trimming

low-priority services. A state auditor cited a study from 2001 that said the program's effectiveness was "virtually nonexistent."

Corey Morris, 24, was arrested April 12 after admitting to killing six prostitutes since last July. Phoenix police said Morris's uncle discovered a badly decomposed body in the motor home that Morris lives in. Morris later admitted that he would take the women home for cocaine and sex and then kill them. He did not dump his last victim because there were too many police in the area.

NEW MEXICO — A federal jury has ordered the Albuquerque police to pay more than \$120,000 to Oscar Davis. Now a police officer in North Carolina, Davis was arrested five years ago in Albuquerque based on a photo in a fuzzy fax. He said that other than their both being black, he bore no resemblance to the wanted man.

A group of volunteers called the State Defense Force are training to fill in for National Guard during emergencies. They are also training to give support for spills and cleanups, help law enforcement with crowd control and maintain veterans' cemeteries, among other duties. There are currently 117 members in the statewide group.

OKLAHOMA — Watts Police Chief Mike Johnson says he will countersue a couple for slander and defamation of character, in response to their plans to sue the town because they claim they were dragged out of their vehicle during a traffic stop. L.L. Tevebaugh, 86, and Irene Tevebaugh, 85, were pulled over by Officer David Jones for speeding. The Tevebaughs say they were pulled from their car, guns were pointed at them, and they were pushed to the ground and handcuffed. Jones said that he did draw his gun on the couple and Irene was handcuffed for the officers' safety, but that he never pushed or pulled her husband out of the truck or forced him to the ground.

TEXAS — One of three men being charged with capital murder in the slayings of Houston Police Officer Charles R. Clark, 45, and a store clerk during a robbery at a check-cashing store should have been in jail at the time on other charges. At the time of the robbery, Elijah Dwayne Joubert, 23, was free on bond on drug charges and for an earlier felony weapons arrest. Crime victim advocates say that bond is usually revoked if the defendant is arrested again but that Joubert's bond probably wasn't revoked because of tight municipal budgets.

Friona Police Officer Jose Arturo Herrera, 31, was killed April 13 while off duty when a suspect fleeing police crashed into his car. The chase started when Bovina police got a call of a suspicious vehicle. When the driver was pulled over and the officer got out of his car, the vehicle took off and a chase ensued that reached 80 mph. Herrera's vehicle was stopped on the side of the road when it was struck.

Civil liberties groups are demanding that Harris County District Attorney Chuck Rosenthal recuse himself from an ongoing grand jury investigation into the Houston Police Department's troubled DNA crime lab. Rosenthal's office and the police department are

reviewing 1,300 cases after an audit revealed that DNA lab analysts lacked training, did not sufficiently document cases, and may have allowed evidence to be exposed to contaminants. The county's judges have also asked Rosenthal to step aside from the investigation. [See LEN, Feb. 28, 2003.]

Jason Schechterle, a Phoenix police officer who was severely burned two years ago after his Ford Crown Victoria police cruiser burst into flames when it was rear-ended, has joined with law enforcement representatives in Dallas to oppose legislation that would curb the rights of Texas law officers to sue companies like Ford. The cruiser has been blamed in the fiery deaths of 13 officers. Schechterle criticized lawmakers' attempts to put a dollar limit on awards instead of leaving that decision to judges or juries.

The Austin Police Department in early April implemented an automated fingerprint identification system, which sharply reduces the time and effort involved in fingerprint searches. The old system required that a set of prints be compared to 500,000 print records. The new system narrows down the pool of potential matches to 50 sets. During training, examiners entered the fingerprints from "cold cases" and came up with 15 matches, including a hit on a two-year-old homicide.



Far West

ALASKA — Law enforcement volunteers from across the state graduated in March from Crisis Intervention Team training, the pioneering program created in 1987 by the Memphis, Tenn., police to help officers respond appropriately to incidents involving people with mental illnesses. The 40-hour training course is offered free to law enforcement agencies.

CALIFORNIA — Auto shop students at Kearny High School have been repairing police cruisers for the cash-strapped San Diego Police Department. Sgt. Jeffrey Napier, who first came up with the idea, called it a win-win situation, as students get firsthand experience and the police department gets its work done quickly and cheaply. So far, the students have saved the department \$3,000 by repairing three older cars that would have been retired.

In West Hollywood, about 200 ordinary citizens received tips on how to identify suicide bombers and prevent terrorism in a disaster preparedness seminar held on March 22. The seminar, sponsored by the Los Angeles County, is expected to be the first of many.

IDAHO — The Bannock County Sheriff's Department has created a new

program to make sure sex offenders comply with the registration laws. The new Sex Offender Apprehension Team, made up of 10 sheriff's officers, two 6th District probation and parole officers and the deputy county prosecuting attorney, will check homes randomly a few times each month. The team said they have already arrested one man who gave a false address, and issued warn-

ings to three others who failed to notify officials of their whereabouts.

OREGON — Due to severe budget cuts, the state cannot afford to bring back a fugitive wanted on theft and drug charges who was arrested by police in Missouri. The governor's general counsel said that state funds can only be used by prosecutors and sheriffs for the extradition of anyone accused of a violent crime. Gene Dodds, 43, allegedly robbed more than 100 homes and businesses in Yamhill County.

WASHINGTON — Ikon, an Everett police dog, was in hot pursuit of a suspect when he was struck by a car and killed. The 8-year-old German shepherd took off after a man wanted on felony narcotics warrants who fled when police signaled him to stop. Ikon was released and managed to bite the suspect before being killed. The man was later found hiding in the closet of his house.

Three suspicious-looking items found by custodians in an art classroom at Western Washington University turned out not to be explosive devices, as they appeared, but works of art. Apparently, the students were assigned a "Trojan Horse" project to create an object that was not what it appeared to be.

Marlene Wilson, a King County van driver, recently came to the aid of a 12-year-old child who was pounding on the doors of her van, saying she did not know a man who was standing nearby with his car door open. Wilson contacted her company, ATV Vancom, and a dispatcher told her it was appropriate to take the child to a safe place. Wilson promptly took the child to the girl's grandmother's house. For her swift action, she was placed on administrative leave by her company because she did not promptly notify law enforcement. The case is being investigated by the county sheriff's office.

Monroe police officials say they won't be contracting with Government Acquisitions LLC, the North Carolina company that sells government vehicles for \$1 in exchange for placing advertising on the vehicles. Police Chief Tim Quenzer said he called other agencies that signed contracts with the company and none of them had yet received their cars. The city had considered purchasing 11 vehicles for \$11 but instead replaced four patrol cars for \$102,000.

After the fatal shooting of the 10-year-old daughter of Clark County sheriff's deputy Craig Randall, a draft policy was adopted that directs all deputies to secure all firearms in safes or with locking devices. Randall's 14-year-old son has admitted that he pointed the weapon at his sister and pulled the trigger but said the shooting was unintentional. The weapon had been left on a high dresser in the Randall's home. Randall and his wife were away at the time. The sheriff's internal affairs unit found no grounds to recommend disciplinary action against Randall.

The state's new crime lab in Seattle has plenty of space and equipment, but it is not yet fully staffed because of budget cuts. To tackle demands for DNA and drug testing, the Washington State Patrol has nine openings for scientists but none of the jobs can be filled. Some staff members have been using their own money to buy equipment.

Big wheel

Woe to the suspect who thinks he can outrun, outmaneuver and just generally flee on foot from Prince George's County, Md., police Cpl. Anthony DeBarros, a man in training for the 2004 Olympics.

A former distance runner who ran the 1994 Shamrock Marathon in Virginia Beach, Va., at an average pace of six minutes per mile, DeBarros hopes to earn a place on the Cape Verde islands mountain-bike team this year.

"I want it bad," he told The Associated Press. "I have so much passion for riding a bike, especially a mountain bike. I never took it seriously until I was 36 years old, when I made up my mind that this is what I want to do."

DeBarros was born on the Cape Verde islands off the west coast of Africa. His family settled in the Potomac region when he was 13. Two years after graduating high school, he trained to become a professional boxer, under the tutelage of Angelo Dundee, who had trained such legendary champions as Muhammad Ali and Sugar Ray Leonard.

When he quit boxing in 1992, DeBarros had been on the county force for four years and had married his high school sweetheart, a fellow county officer.

Then in 2000, DeBarros, who had continued running despite shin splints and other injuries that kept him from qualifying for the Olympic team, watched a mountain-bike competition. He began training for the Cape Verde team by running 10 miles a day five to six days a week, and riding a stationary

bike for one hour nearly every day.

"In the career that I'm in now, it is essential that you take care of your body as far as conditioning yourself," DeBarros said. "You never know what might happen, like you'll have to pursue someone on foot. This job is unpredictable and every officer should be conditioning himself to be prepared for any encounters that might occur, like a fight or chasing somebody down."

At a wiry 5 feet 10 inches tall and 140 pounds, DeBarros does not let too many suspects escape. Last October, he was able to overcome a suspected car thief who had gotten about three blocks ahead of him.

"I tackled him and cuffed him; no problem," DeBarros said.

Model officer

Modeling a business casual outfit, golf attire and his dress uniform was Moreno Valley, Calif., Police Chief Bill Di Yorio (right), one of the models who took a turn on the catwalk during a benefit fashion show this month.



The event on April 5 was the 15th annual show held by the Moreno Valley Soroptimists, a branch of the international women's group. Funds will be used to continue the club's support of Alternatives to Domestic Violence and other local programs. Last year, more than \$9,000 was raised, organizers said.

"It's important to have these service organizations for the community," Di Yorio told The Riverside Press Enterprise. "They provide a valuable service for the city." Di Yorio was a model in the 2002 show as well.

Valerie Wood, an agenda consultant for Stein Mart, the store that provided the ensembles, dressed the chief in a sport jacket and a silk-blend collarless shirt for a look she called California casual.

"He'll be approachable-looking and professional," she said.

Up for the game

He will not mount a family pet, but Tom Pregler, a Dubuque, Iowa, police officer and taxidermist, once made an exception for a pigeon.

The 38-year-old Pregler has been practicing the craft of stuffing and preserving animal skins, and modeling them into life-like creations, since he was 14.

"I love to hunt and fish," he told The Associated Press. "This is a natural extension."

The most common animal that comes into Pregler's basement workshop is a deer. During the hunting season, the floor of the shop is covered with their heads waiting to be mounted. The average deer could take as long as eight hours.

Like cats and dogs, it is the eyes and the posture of the ears that give the deer expression, said Pregler. It is up to the



One lucky dog

Dosha, a 10-month-old mixed breed, recuperates at the Clearlake Veterinary Clinic in Clearlake, Calif., on April 17, two days after narrowly escaping death. After the dog was hit by a car near her owner's home, Clearlake Officer Bob McDonald arrived on the scene. Seeing the dog in pain and apparently wanting to put her out of her misery, McDonald shot Dosha in the head. Now presumed dead, Dosha was taken to an animal control center and placed in a plastic bag in a freezer. Two hours later, when an animal control officer opened the freezer door, Dosha was found sitting upright inside the bag. (Reuters)

customer whether it looks aggressive, relaxed or alert.

"It has to be accurate and look alive," he said.

Although he started with a pigeon, Pregler has mounted a cape buffalo and a rhinoceros, when they were legal to obtain. While he likes a challenge, Pregler said he was glad when a man inquiring about an alligator failed to call back.

"I'm not sure how I would have gone about doing that one," he said.

Pregler draws the line at dogs and cats, however. Although a preserved dog may still look like one's pet, he said, it just isn't.

Pioneer's passing

Nassau County, N.Y.'s first black police commissioner, William Willett, succumbed to lung cancer on April 12. He was 71.

Willett was one of the first African Americans on the force when he joined in 1953. A Long Island native, he knew the area and served as the department's top community-relations officer during the turbulent 60s and 70s.

In 2000, Willett was named commissioner two years before the department's mandatory retirement age and served until last May. He had been passed over the post in 1992, although he had been one of three finalists.

Colleagues describe him as having been an even-handed supervisor who treated everyone the same color—blue. But the work was stressful.

As a member of the department's inaugural community-relations unit, Willett's job was to ease simmering racial tensions. In 1971, he helped solve

a case that could have ripped the county apart. A white, 22-year-old rookie was shot dead by a black suspect. The incident led to white officers pulling minority motorists from their cars and entering their homes.

"Cops were coming from everywhere and they were putting a hurting on black people," said James R. "JC" Johnson, 80, a retired black officer who worked the case. "They were going into people's houses and violating their rights," he told Newsday.

Willett told his officers to gather as much information as they could. One day later the case was solved when police were led to the Harlem apartment where the killer had fled. The tip had been whispered to one of Willett's black subordinates.

There had been personal tragedy in his life. Willett lost three of his seven children to misfortune and violence. A son and granddaughter were killed in a 1981 fire at his home. Then in 1986, a pedestrian accident took the life of his daughter. Another daughter was blinded and paralyzed in a car crash several years later. In 1991, his son was stabbed to death.

Hail to the chief

Taking a department that in the mid-1990s was rife with discontent and the object of public distrust and gradually turning it into one that has become a "textbook example of police reform and professionalism" was enough to convince officials at the Police Executive Research Forum that its 2003 National Leadership Award should be awarded to Pittsburgh Police Chief Robert McNeilly.

The award puts McNeilly in good company. Previous winners have included Chicago Police Supt. Terry Hillard; former Baltimore County, Md., police chief Cornelius Behan; Ruben Ortega, former police chief of Salt Lake City; Houston Mayor and former New York police commissioner Lee P. Brown, and Los Angeles Police Chief William Bratton.

"[He] is responsible for dramatic changes in Pittsburgh," said Minneapolis Police Chief Robert K. Olson, PERF's president and a former leadership award winner himself. "His dedication to community policing and improving police professionalism have made his department a model for police accountability."

McNeilly assumed command in 1996, a year before the city entered into a consent decree with the Department of Justice. His efforts to improve the department and implement the reforms required by the agreement are largely credited with the decree being lifted last August.

Among his other achievements, McNeilly reorganized the police bureau to make better use of its resources, and modernized its equipment and training standards. He worked with community groups on conflict resolution, developed review boards to oversee use-of-force incidents, and revamped the agency's community policing approach to emphasize more interaction with citizens.

Offering his own congratulations, Pittsburgh Mayor Tom Murphy said: "Today, the Pittsburgh Police Bureau is setting the standard by which other police bureaus are judged. I want to commend Chief McNeilly on this tremendous honor, as well as the men and women of our police bureau who have worked so hard to make Pittsburgh one of the safest cities in America."

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"Brain fingerprinting" gets court OK

In a case that overturned, on constitutional grounds, the conviction of a man who served 24 years in prison for the murder of a retired police officer, the Iowa Supreme Court also let stand a lower court's ruling as to the admissibility of "brain fingerprinting," a technique that reads patterns of brain activity to determine whether a suspect is storing knowledge of a crime.

The case involved a 44-year-old inmate, Terry Harrington, who was convicted in 1978 of fatally shooting John Schweer, a former Council Bluffs police captain who worked as a security guard for a local car dealership. Two years ago, people working on Harrington's bid for freedom uncovered police reports pointing to another suspect, which had been withheld by prosecutors. Defense attorneys were also never informed that a key witness had recanted.

In preparing for the appeal, Dr. Lawrence Farwell, creator of brain fingerprinting, was recruited to conduct the test on Harrington. While the district court ultimately rejected Harrington's petition for a new trial in 2001, it did find that the technique met the standard of admissibility for scientific evidence established by the U.S. Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals Inc.*

The 1993 *Daubert* decision found that when determining the usefulness of scientific evidence, courts should undertake a "preliminary assessment" of whether the methodology underlying the testimony is sound and could be applied to the facts at issue. Among the factors to be considered are whether the methodology has been subjected to peer review, and is generally accepted by the scientific community.

Although the brain-fingerprinting test was not among the reasons given for overturning Harrington's conviction

in February, the Iowa Supreme Court left that aspect of the district court's ruling undisturbed.

The technology of brain fingerprinting was developed by Farwell, a neuroscientist and specialist in cognitive psychophysiology who is the founder of Brain Wave Science and the Human Brain Research Laboratory in Fairfield, Iowa. Time magazine recently named Farwell one of the 100 innovators who may be "the Picassos and Einsteins of the 21st century."

Brain fingerprinting is based on the belief that perpetrators retain specific information about the crime in their memories. If they are innocent, they will not recognize information about the incident offered through words and pictures — both relevant and irrelevant to the crime — flashed on a computer screen.

Brain-wave responses called Mermers, or Memory and Encoding Related Multifaceted Electroencephalographic Responses, are captured by a headband developed by Farwell. Such responses are elicited when the brain processes notable information it recognizes.

A computer then analyzes patterns of brain activity to detect the Mermers, and determines whether relevant information is being stored.

In a 1998 article in The Fairfield Ledger, Farwell's technology was reported to have been proven 100 percent reliable in more than 120 tests on FBI agents, and in tests for a federal intelligence agency, and then for the Navy.

"All scientists know that nothing is ever 100 percent, so I don't tout it as 100 percent accurate technology," Farwell said in an interview with The Ledger, "but I do have high statistical confidence in it."

Dr. Lawrence Kobilinsky, a serologist and DNA expert who is associate

provost at John Jay College of Criminal Justice, has his doubts about the brain-fingerprinting technique and its admissibility in state courts, irrespective of its having met the *Daubert* standard.

"There are issues that trouble me," he told Law Enforcement News.

Kobilinsky contends that there have not been enough tests performed to validate the technique's accuracy. In addition to proving that it is repeatable, and has a foundation in science, what needs to be shown is that other factors would not get in the way of that, he said.

"Let's say that when the person has committed a crime, the person is high on drugs or stoned on alcohol," said Kobilinsky. "I would agree that the brain is still going to be active under those conditions, but how does that distortion affect the ultimate question about reliability of this technique?"

False positives and false negatives, such as those that can appear on a polygraph test, are also a concern, he said.

"Some male is dreaming one night about some sexual encounter with his teacher from second grade," said Kobilinsky. "And it sets up in his head a whole ideation, a whole concept of sexual assault. Then all of a sudden he's confronted with this test, discussing rape of some sort. The brain is going to respond to whatever that signal is, that information," he said. "Suddenly, he signals he's in recognition of the evidence, and he's a suspect. That bothers me."

Kobilinsky said he was not convinced that a real validation has been proved by the tests that have so far been used to assess the technology.

"This may turn out to be one of the best things that ever happened.... It sounds like science fiction, and it may very well be wonderful, but until those proper validation studies have been



Dr. Lawrence Farwell (right) administers a "brain-fingerprinting" test to admitted serial killer James Grinder.

done, I think this kind of concept ought to be inadmissible."

At the state level, brain fingerprinting would have to pass the *Frye* standard, Kobilinsky said. In order to get something admitted under *Frye*, a ruling in a 1923 case on polygraphy, an experimental procedure has to have passed through the hypothetical into the practical where scientists in the discipline agree it is reliable, said Kobilinsky.

"In my opinion, the *Frye* standard is more demanding than the *Daubert*," he said.

According to Farwell, Harrington passed his test. Brain responses, he said, conclusively showed that the record stored in his brain did not match the crime scene, and did match his alibi.

The key witness in the case, Kevin Hughes, recanted his testimony when he heard about the brain fingerprinting results. He admitted that he had lied in order to avoid being prosecuted him-

self for Schweer's murder.

The Harrington case achieved national prominence in 2001 when the brain-fingerprinting technology was featured on the CBS News program "60 Minutes." In 1998, it was used to obtain a confession and guilty plea from James B. Grinder, a serial killer who was convicted in a 15-year-old murder case.

Scientists at Farwell's lab said that Grinder, 53, had information about the abduction, rape and murder of Julie Helton, a 25-year-old Marceline, Mo., woman who disappeared on Jan. 7, 1984. Her badly beaten body was found near the railroad tracks in the town of Macon, Mo.

"What his brain said was that he was guilty," scientists at Farwell's lab said. "He had critical, detailed information only the killer would have. The murder of Julie Helton was stored in his brain, and had been stored there 15 years ago when he committed the murder."

Old West meets new, as posse gets help from 'gunfighters'

In a case of the Old West helping the new, a volunteer mounted patrol formed by the Riverside County, Calif., Sheriff's Department and an actor's troupe worked together last month on scenarios involving the type of situations the Temecula Valley Sheriff's Posse might encounter during the special events for which it serves as law enforcement's eyes and ears.

The posse began working with the troupe known as the Old Town Temecula Gunfighters two years ago.

"We're really helping the community by helping the posse," said Tim Kimble, the troupe's co-leader.

During all-day training on March 22 at the Archer Ranch in Wildomar, the 15-member posse was taught how to communicate, collect information, control crowds and be aware. Each month, the posse meets for a refresher course taught through video, and once a year for a specific training with the horses.

"We want to learn the basics and sharpen our skills so we don't get stuck out there unprepared," Kim Amerman told the other posse members. Besides aiding the sheriff's department at special events, the group also provides public relations, search-and-rescue and crowd control.

The Gunfighters, who usually per-



No gunfighters are in sight this time, as members of the Sheriff's Posse ride through the California countryside.

(Courtesy: RCSO)

form scenes from the Wild West, use improvisation to bring to life some of the scenarios they may encounter — mainly people asking for information. Fights are rare, Amerman told The Riverside Press Enterprise.

Still, people are unpredictable.

"There's going to be some no-win situations and some that catch you off-guard, but you're doing a job and have to learn to be polite, yet firm, when you come across certain individuals,"

Amerman said.

During a training exercise in which posse members line up in pairs to deal with the unexpected, a man suddenly came at them, shouting "bathroom, bathroom." Although it was an actor, the horses and their riders were both startled.

Amerman suggested that posse members advise the man that he was scaring the horses, and to calm down so they could help him.

Proposed cuts to a tuition reimbursement program that benefits Anne Arundel County, Md., police officers could limit the number of sworn personnel who pursue higher education in the future, the union that represents the county's sergeants warned this month.

The county stopped accepting applications for the tuition program in February when it reached its \$80,000 limit, said personnel officer Mark Atkisson. At present, three sergeants are participating in the initiative for the fiscal year ending June 30. On July 1, the program will be renewed, but it may only have \$70,000 to spend due to fiscal constraints.

"We're funding it in my budget request, which hasn't yet been submitted through our legislative branch," he told Law Enforcement News. "I was requested to cut my budget by 10 percent. We could potentially end up doing layoffs, I hope we don't have to do that. One of my cuts is \$10,000 off the tuition program."

While virtually every jurisdiction nationwide is struggling in one way or another with devastating blows to their budgets, it is important to keep in mind what a college-educated officer brings to the table, said Dr. Louis J. Mayo, executive director of the Police Association for College Education.

Officers with bachelor's degrees have much lower rates of malpractice, he told LEN, and the chance of them being hit with a multimillion-dollar law-

suit for misconduct are greatly reduced. "It's one of those things where you pay now, or pay later," said Mayo. "It's much cheaper to pay now."

Ten-thousand dollars, he added, is only the cost of one officer for approximately six weeks. If the county could defer the hiring one replacement for that period, they could recoup that money. "That is far more important," Mayo said.

The International Union of Police Associations is concerned that while there may only be three sergeants who are participating now, there are 75 in the county police department and many more patrol officers who might want to further their education.

"It is unfair, considering the ways and levels that almost any officer operates in the country, to expect them to pay tuition out of their own pockets when that effort goes to benefit the department and the public," said IUPA spokesman Rich Roberts.

The union also contends that the county is using the sergeants, who are negotiating for a contract, as a "stalking horse." Whatever cutbacks can be made in their benefits, said Roberts, will benefit the county when it negotiates an agreement with the rank-and-file later on.

"These officers are the ones who are on the streets," he said. "But they're line supervisors, so they set the tone for the direct activities in terms of public safety."

In unions there is strength

FOP tries again to win passage of collective-bargaining bill

The National Fraternal Order of Police has given top priority to winning passage of a bill that would give police the right to participate in collective bargaining by forming or joining a union, said officials last month.

Known as the "Public Safety Employer-Employee Cooperation Act of 2003," the legislation is being sponsored by Senator Judd Gregg (R-N.H.), chairman of the Committee on Health, Education, Labor and Pensions, and the committee's ranking Democrat, Senator Edward M. Kennedy of Massachusetts.

The bill would provide collective bargaining rights for public safety officers. Lack of minimal standards for such negotiations in the public sector, the legislation asserts, could contribute to the type of strife that interferes with the flow of commerce, and can adversely affect the upgrading of police services to local communities, as well as the health and safety of officers.

The federal government's role should be to encourage conciliation, mediation and voluntary arbitration, the bill notes.

"We do expect that the Senate committee will again report the bill favorably," said Tim Richardson, the FOP's legislative liaison. "I think we just have to look for a vehicle and an opportunity to move that bill in the Senate."

Last year, the legislation was approved nearly unanimously by the committee and came under consideration as an amend-

ment to the appropriation bill for the Labor and Health and Human Services departments in 2001, Richardson told Law Enforcement News.

"It was subject to a filibuster," said Richardson. "We had to mobilize 60 votes, and we got 56. So I think it's pretty clear that the Senate supports the measure in its majority, but we obviously have to get it through the Senate committee again. We don't

In addition, the government would supervise and conduct elections of union representation; resolve issues relating to the duty of bargaining in good faith; and protect the rights of employees who join labor organizations.

The bill prohibits strikes, slowdowns or any other such actions. It also does not prevent states from enforcing right-to-work laws that prohibit employers and labor organizations from negotiating agreements requiring union membership as a condition of employment.

States would have two years to match the requirements under the law. There are between 19 and 21 states that would not be affected by it, said Richardson, because they already have stronger bargaining laws than are mandated by the bill.

"If there is a breakdown and no agreement is reached between the two sides, management is able to implement the contract it feels is fair," he said. "The aim here is to improve the safety of the officer and the delivery of the services, not to jeopardize the safety of the public."

Both the National Sheriffs' Association and the International Association of Chiefs of Police strongly oppose the bill.

On its Web site, the IACP states that the bill "would impose federal collective bargaining rules for state and local law enforcement agencies if they fail to meet 'the minimum procedures' outlined in the legislation."

Right-to-unionize bill is opposed by (surprise) the IACP and NSA.

anticipate any problems doing that."

Under the legislation, the Federal Labor Relations Authority would determine whether a state provides its police officers with the right to form and join unions, and requires employers to recognize these organizations and to agree to bargain over hours, wages and terms of employment. A mechanism would be put in place for resolving impasses, such as fact-finding, mediation, and arbitration.

Crimes against nature:

Special units tackle spike in cactus thefts

The word vulnerable might not be one that immediately comes to mind when describing the cactuses of the Southwest's deserts, yet thefts of the plants have become so rampant that police in Arizona, Texas and three other Western states have formed units to specifically crack down on the crime.

The black market for ocotillo, saguaro, hedgehog and barrel cactuses, fueled primarily by desert landscaping, exceeds \$20 million a year in Arizona, where theft of a plant worth more than \$500 is considered a felony.

Some jurisdictions have taken drastic measures to curb the crime, such as Lake Mead, Nev., which implants computer-ID chips in certain succulents to track them if they go missing. The practice began in 2000 after land-management agents found that thousands of cactuses had been stolen over the years by a local property owner from a million-acre recreation area.



The prized barrel cactus.

Poaching is a lucrative business, with an ocotillo fetching as much as \$150 on the retail market; a saguaro,

which can grow to 20 feet, can command a price of \$5,000. With the exception of Arizona, most states have weak cactus-conservation laws, according to a report in The Wall Street Journal. Although it is a felony to ship stolen cactuses across state lines, there are not enough resources to catch such thieves.

Limited harvests are allowed in Nevada and Texas. State officials in Nevada, for example, say that legal harvests of cactus and flowering yucca plants have risen 60 percent in the 1990s.

But unregulated cactus harvesting in the Chihuahuan Desert of West Texas has threatened to denude the region of its vegetation. Between 1998 and 2001, it said, thieves ripped from the sand some 100,000 cactuses worth an estimated \$3 million, according to a report by the World Wildlife Fund cited by The Wall Street Journal.

"There are literally tens of thousands of square miles of desert, and I've got 33 special agents for four states," said Gary Mowad, acting special agent in charge of the U.S. Fish and Wildlife Service office in Albuquerque, N.M., which oversees Arizona, New Mexico, Texas and Oklahoma.

Cactus thievery is particularly rampant near urban areas, such as Phoenix, Las Vegas and Tucson where residents have been urged to help preserve water by landscaping with cactuses. The only problem is that plant nurseries cannot keep up with demand.

"Those well-intended campaigns

may be mitigating one environmental

problem while exacerbating another,"

noted Christopher Robbins, the author of the World Wildlife report.

Selective enforcement, like disciplinary action, proves a chief concern

When a rookie makes an error in judgment — short of a grievous one — the trick is to apply corrective measures to make a better officer, not a bitter one, explained Hudson, Wis., Police Chief Richard Trede after he recently ordered disciplinary action against a member of his force who had given preferential treatment to the chief of a neighboring jurisdiction.

Officer James Van Dusen stopped North Hudson Police Chief Brian Aichele on Feb. 16 for speeding and suspicion of drunken driving. Aichele was driving 45 to 50 mph in a 25-mph zone. Suspecting that the chief may also have been intoxicated, Van Dusen contacted his supervisor. Although he was told to take enforcement action and conduct a field-sobriety test, Van Dusen only administered a preliminary breath test, which is not admissible in court. Aichele registered a blood-alcohol level of .12, making him legally drunk.

Van Dusen then allowed Aichele to call someone to take him home, rather than taking him into custody for further testing. Van Dusen never recorded the incident in his daily log.

"The officer did take the correct step by stopping the vehicle for violating the law," Trede told Law Enforcement News, "and it got bad from there."

After admitting to Trede one day later that he had recognized Aichele and had given him a break, Van Dusen — who was one day short of completing his probationary period — was given an official reprimand.

Trede ordered him to write the incident report and make it public. A letter will remain in Van Dusen's file for a year, and he was ordered to attend an ethics class. Trede also extended Van Dusen's probationary period by two months. He was cited for one count of insubordination and two counts of violating department policy.

"I think in a sense he did prevent a person from driving, so he made some choice, but he didn't comply with the direction from the supervisor," said Trede, "and he had to be accountable to some degree."

Whenever an incident involves a public official, such as a chief law enforcement officer, Trede said, it is important to demonstrate that preferential treatment is not acceptable.

But discipline should be a learning process in which the officer recognizes that a mistake has been made, and goes on from there, said Trede, a 31-year law enforcement veteran who has been Hudson's chief for the past 10 years.

"He's always done well, other than this one incident," he said of Van Dusen. "It was decisions he made, but we're imperfect people in an imperfect world and ultimately, he could have done better."

Aichele was suspended for two weeks without pay.

Public reaction to the incident and its aftermath was generally positive, said Trede, noting that the issue has run its course.

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For more information, contact Professor Robert Hair, Coordinator, (212) 237-8380. For an application, contact Sandra Palleja at the college Admissions Office, (212) 237-8861 or 237-8833, e-mail, admiss@jjay.cuny.edu, or write to: Admissions Office, John Jay College of Criminal Justice/CUNY, 445 West 59th Street, New York, NY 10019.

Las Vegas cops say FBI kept them in the dark

In yet another case in which local law enforcement believes it was kept in the dark by its federal counterparts, Las Vegas police and sheriff's officials this month charged that the FBI failed to inform them that an alleged sleeper terrorist cell busted in Detroit last year may have put a target on the Nevada city's back.

Officials said they did not learn of a direct threat made by the defendants to destroy Las Vegas until they read an article in a local newspaper in April which said a government informant had told prosecutors that in June 2001 and August 2001 — a month before the Sept. 11 attacks — one of the men had said that Islamic extremist "brothers" were organizing a massive attack on the U.S.

Las Vegas, he said, was considered the "City of Satan" because Arabs spent money on sinful behavior there.

30 years of talking through trouble

Conceived three decades ago as a direct result of the murders of Israeli athletes by pro-Palestinian terrorists at the 1972 Munich Olympics, the New York City Police Department's Hostage Negotiation Team is no less relevant today.

Last month, city and police officials paid tribute to the unit on the occasion of its 30th anniversary, during a ceremony at John Jay College of Criminal Justice.

"I think the 30 years that have passed have proven the success of the hostage negotiation concept first instituted in the department by Frank Bolz and Harvey Schlossberg," said Police Commissioner Raymond W. Kelly.

"It has in many ways fundamentally changed the way policing is done throughout America, not just in hostage negotiation, but in how we approach tactical situations," he told Law Enforcement News. "It's had a profound impact. We're the first, we're the oldest hostage negotiating team and it's been copied throughout the world. It really is a celebration of a success and of course we're looking to at least 30 more years."

The ceremony was attended by Kelly, John Jay president Dr. Gerald W. Lynch, the unit's current commanding officer, Lt. Jack J. Cambria, and all of those who have led the unit from its inception, among others.

"We are very proud that so many in the unit through the years have had an education here at John Jay," said Lynch.

Bolz and Schlossberg both taught at the college, as well as having attended John Jay, as did Dr. Robert J. Louden, Lynch noted.

"I'm very pleased that John Jay has made an impact on their philosophy, going from a very confrontational approach, to a psychological, waiting, talking, listening approach which has proved very successful over the years," said Lynch.

While the unit was first conceived as an anti-terrorism plan, it has expanded over the decades into one that deals with a whole range of police actions, including high-risk raids and warrant execution, said Louden, a retired lieutenant who served as the unit's commanding officer in the early 1980's.

"It has definitely caused us some concern," said Undersheriff Doug Gillespie of the Las Vegas Metropolitan Police Department. "This is the first we heard that they have received any information that Las Vegas had a direct threat.

The issue was raised during a meeting in April with Daniel Bogden, U.S. Attorney for Nevada, and Ellen Knowlton, special agent in charge of the FBI's Nevada field office.

Once a month, leaders of the local FBI field office and the U.S. attorney's office meet with commanders from Las Vegas, Henderson and North Las Vegas to share information about possible terrorist threats and intelligence. A Joint Terrorism Task Force that comprises both local and federal investigators works together daily.

But federal officials contend that the information did not indicate a specific

threat to Las Vegas.

"We know that one of the beginning stages of an attack is to brainstorm possible targets," said Special Agent Daron Borst, a spokesman for the FBI's office in Las Vegas. "That's not the point we become concerned. When someone takes further steps, that's what we focus on."

Borst said that when information is received, it is passed along to local and state law enforcement, as well as to joint terrorism task forces. The question for Sheriff Bill Young, however, was whether it was done in a timely manner in this instance.

"They have their rules, and I respect that, but I've got a completely different constituency," he told The Las Vegas Review-Journal. "In this case, you cannot make me believe — and I will never believe — that this information appeared out of the clear, blue sky. I think they're more concerned with making their case than with a community 2,500 miles away."

On trial in Detroit are three Moroccans, Ahmed Hannan, 34; Karim Koubriti, 24; and Ahdel-Ilah Elmardoudi, 37, and a 22-year-old Algerian man, Farouk Ali-Haimoud. The four have been indicted on charges of conspiracy to provide material support or resources to terrorists. The case is said to be the first for an alleged terror

cell in the aftermath of the terrorist attack on the World Trade Center.

The charges stem from a raid on an apartment in Dearborn, Mich., six days after Sept. 11 by federal agents looking for a previous occupant described as a significant terror threat. The man, a Kuwaiti named Nabil Al-Marabah, has since been deported.

Inside the apartment, agents found forged passports and identification papers, over 100 audiotapes preaching jihad, and sketches of air bases used by American forces in Incirlik, Turkey. Also found was a videotape of Disneyland and the MGM Grand Hotel in Las Vegas.

"It's a highly significant case," William M. Sullivan, Jr., a former federal prosecutor, told The New York Times. "There's always pressure on a prosecutor to win, but it's a national case."

The key government witness, Youssef Hmimissa, a 37-year Moroccan, told prosecutors that a month before the attacks, Elmardoudi had said extremist "brothers" were organizing in the United States.

"This place is going to be just like Gaza Strip and West Bank," Hmimissa recalled him saying.

Hmimissa was arrested in Cedar Rapids, Iowa, on Sept. 28, 2001, on document fraud charges. His photo and the alias Michael Saisa were found on

the false IDs found at the apartment.

At the time, Hmimissa was creating fraudulent documents for Elmardoudi, whom the government has identified as being the other three defendants' handler. Using aliases like Jean Pierre Tardelli and George Lahibe, Elmardoudi received wire transfers of several thousand dollars from men in Europe he referred to only as "the brothers."

Ali-Haimoud, Koubriti and Hannan, while linked to radical Islamic schools of thought, have never been directly linked to Al Qaeda.

Hmimissa had been making false documents for Elmardoudi. One of these included a United States visa for a Mohamed Tahar Benaouicha, which would have allowed the bearer to attend a flight school in Texas, but it expired in July 2001. Hmimissa testified that he did not know whether Benaouicha ever attended flight school.

While he said he had never seen the sketches of the airbases found in a day planner, he said he had seen similar ones on a notepad in June 2001 at an apartment he had shared in Michigan with Koubriti and Hannan.

Elmardoudi, said Hmimissa, taught him to use as a code the names of members of a 1986 Moroccan soccer team to represent numbers, addresses and credit card numbers.



The last full measure

Above, members of the Salt Lake City Police Department join officers from other law enforcement agencies in saluting the casket of U.S. Marine Staff Sgt. James Cawley prior to his burial April 10 in Roy, Utah. Cawley, a Salt Lake City detective and SWAT team member, was a Marine reservist who died in Iraq March 29 when he was struck by a Humvee as he sought to take cover from enemy fire. At right, police officers from Costa Mesa, Calif., load the casket of Marine Capt. Jose Angel Garibay into a hearse on April 10 after a memorial service. Garibay, who was killed in Iraq, planned to become a police officer in Costa Mesa following his military service. Another Marine, 1st Sgt. Edward C. Smith, a reserve officer in Anaheim, Calif., who hoped to join the police force full-time upon his return from duty in Iraq, died April 5 of wounds suffered in combat.



Kentucky doubles training for dispatchers

Acting on the belief that first-responders can only be as good as the information they receive on the other end of the radio, Kentucky recently became the first state in the nation to require its emergency dispatchers to undergo an additional 80 hours of training.

The instruction is twice as much as had previously been mandated. Previously, dispatchers had to complete two 40-hour courses to be certified: one on using the state's Criminal Justice Information System (CJIS) and the FBI's database, and the other in basic telecommunications. They also had to undergo eight hours of additional in-service training in one or the other of the subjects each year.

Under the new law signed by Gov. Paul Patton in March, however, dispatchers will be required to attend a three- to four-week academy specifically designed for telecommunications. The legislation takes effect on July 1.

According to Ann Johnson-Wilbers, communications coordinator for the Georgetown/Scott County 911 Center, dispatchers will not only receive certi-

fication in CPR there, but will be trained in giving emergency medical dispatch — the equivalent, she said, of pre-arrival instructions. There is also a training block on domestic violence, on hazardous materials and on crisis negotiation.

Dispatchers from departments that are not linked to the federal database or another network, called Inlets, which lets them query other states, will only be required to attend for three weeks.

"It's really more in-depth than just telecommunications, which is the type of questions that we ask — tracking your officers on the radio, collecting the ABCs of dispatching which are accuracy, brevity and clarity, and the four Ws that are when, who, what, and where," Johnson-Wilbers told Law Enforcement News.

Tod Burke, a former Maryland police officer and associate professor of criminal justice at Radford University in Virginia, called the Kentucky law unique. In many parts of the country, he noted, emergency dispatchers get little or no training at all.

Telecommunicators, he told LEN,

are often at a disadvantage within law enforcement. As civilians, they are often treated as second-class citizens by sworn personnel. Dispatchers are often expected to pay for any special training out of their own pockets, unlike officers whose instruction is generally paid for by their agencies.

"If you have a high-school diploma, can chew gum and walk at the same time, that is often the rule for dispatchers," he said.

Moreover, Burke noted, communication centers can be used as a "dumping ground for rogue officers."

"When an officer's troubled, or injured, they throw him into dispatch assuming that the officer knows how to do dispatch," he said. "The problem is first you have an officer with an attitude problem, who's on the street being disciplined... That's just what you need on the telephone — an officer with a bad attitude."

Another problem, said Burke, is that while officers know how to respond to a radio call, they often do not know about how a dispatch center works.

"A lot of problems can result, in-

cluding dispatcher stress," he said.

In Kentucky, the impetus for the bill came from Pat Carter, a former dispatcher who now heads dispatcher training for the state Department of Criminal Justice.

Johnson-Wilbers called Carter "the Mother Theresa of communication," who has seen the change in the profession.

"Before, even when I started in the radio room, you might get a call on a wreck on the Interstate 10 minutes after it happened," said Johnson-Wilbers. With the proliferation of cell phones, dispatchers now "get 20 to 30 calls on one accident — while it's still wrecking."

The additional training is exactly what is needed to professionalize dis-

patchers, added Burke.

In addition to understanding the mechanics of the job, such as how computer-aided dispatch works, they need also to be taught about some of the issues they will be dealing with. For example, telecommunicators need to know how to track officers and what type of language to use when describing events to patrol cars. A kid stealing a candy bar should not be called a robbery.

"As a former cop, I can tell you right now, I'd respond a lot differently to a shoplifting than I would to an armed robbery in progress," he said. "Even just simple terminology, not just the codes, of understanding criminal law, what the elements are, is extremely important."

FBI bolsters anti-terror intelligence capability

quickly, said officials.

"Had we not had those relationships, it would have been a question not of days in covering leads, but probably weeks and months," said Roderick Beverly, special agent in charge of the bureau's Office of International Operations.

The reorganization of the bureau will also include the establishment of intelligence units in each of its 56 field offices nationwide. Reports officers, a new position, will sift through data and forward it to local law enforcement after removing anything that could reveal sources or methods of intelligence gathering, according to the FBI.

A new spy mess for FBI

In another potential intelligence embarrassment for the FBI, a Chinese-American woman who served as an informer for the bureau for over two decades, was arrested in April along with her handler and longtime lover, a retired agent, on charges that she had passed secrets on to the Chinese government.

The agent, James Smith, had served with the bureau for 30 years. He was charged with gross negligence for allowing Katrina Leung to obtain classified documents, which she would surreptitiously photocopy at her home.

Among them were secret logs and phone directories, memos on continuing classified investigations and a secret file that discussed Chinese fugitives, according to a report by The New York Times.

Hearing through "back channels" about Leung and Smith, Director Robert S. Mueller initiated a full review shortly after taking over as FBI chief in 2001. A 40-member task force was created to investigate the case, according to officials.

During her career as an informer, Leung was paid \$1.7 million by the bureau. Neither she nor Smith had been given polygraph tests in nearly all that time.

State, tribe see file-sharing as answer to repeat DUI problem

In the belief that better communication between state and tribal criminal justice authorities will reduce the number of fatal crashes caused by repeat drunk-driving offenders, New Mexico has adopted legislation permitting DWI file-sharing among both entities.

Under the bill signed by Gov. Bill Richardson in April, each of the state's 22 tribal governments may enter into an agreement with the government to exchange traffic records. One of the obstacles to getting repeat drunken drivers off the road is that those charged by the state have served time or paid fines in tribal courts. Tribal judges can do little to punish persistent DWI offenders because they have no authority to access state files.

The law will also give New Mexico's Motor Vehicle Division the power to suspend a driver's license based on a tribal court conviction, including drunken driving offenses.

New Mexico is perhaps the only state that has passed legislation target-

ing DWI file-sharing. Other states with significant Indian populations, such as South Dakota, Montana and Oklahoma, have used intergovernmental agreements to tackle problems such as child support enforcement and tax collection.

"We're in it together," Joe Shirley Jr., the president of the Navajo Nation, told The Associated Press. "The cold trip that we are talking about knows no colors, knows no creed. People are getting killed because of DWI... If we are going to begin to start curbing drunk driving we need to work together to get at it."

Shirley's daughter, Tona Shirley-Paymella, was killed in a drunken-driving accident in November 2001. The tribe's police and court system, he said, cannot adequately address the issue on the 25,000-square-mile reservation. Shirley said he will be introducing his own legislation that would make the records exchange work.

New Mexico ranks fifth in the nation in per-capita drunken driving. State figures show that in 2001, 41 percent

of drunken driving convictions involved defendants who had already been found guilty of the same offense at least once in a state or municipal court.

That year, a member of the Navajo tribe, Lloyd Larson, killed two Nebraska couples on their way home from a Southwest vacation when he came barreling down the interstate the wrong way and smashed head-on into their car.

Larson had been cited nine times previously for drunken driving. The case involving the deaths of Larry and Rita Beller of Lindsay, Neb., and Edard and Alice Ramaekers, of Norfolk, Neb., was tried in federal court. After Larson was convicted on four counts of second-degree murder, Judge LeRoy Hansen sentenced him to the maximum allowed by law, 20 years.

"You see about rapists in the papers that are going to trial and they are sentenced for a hundred years," said Jerry Beller, the brother of one of Larson's victims. "I lost four of my relatives and he got 20 years."

Border Patrol heats up efforts to curb desert deaths

Patrol's Yuma sector

Heightened patrols and the placement of eight rescue beacons helped trim the sector's death toll from 24 in fiscal 2001 to 11 in 2002, he told The Associated Press.

Another measure, Operation Desert Grip, will be implemented for a second season. Nicley said the program was "extraordinarily effective" in reducing the number of immigrant- and drug-smugglers who passed through remote locations.

Agents will live for one week at a time in portable trailers from March through October. While living conditions at the encampment are still rustic at best, the site has been upgraded with portable generators, air conditioning,

cooking facilities and portable toilets that burn waste, said Nicley. Two small collapsible buildings have been provided by the military.

The Tucson sector, where deaths from all causes rose from 78 during fiscal year 2001 to 134 during the same period in 2002, is also using mobile trailers to house agents from a campsite 25 miles east of the area.

Tucson will also adopt Yuma's strategy of placing solar-powered beacons across the region. The beacons send a radio distress signal at the push of a button. Last June, a rescue beacon was credited for saving the lives of 20 illegal immigrants, said Yuma sector spokesman Jerry Wofford. Twelve to 18 of the devices could be in place by June.

The FBI announced in March that it would open 10 more field offices in foreign capitals, including Kabul, Afghanistan, and Jakarta, Indonesia. The expansion is part of a plan that will also add 17 new agents and 15 other staff members to the nearly 200 located in 46 sites around the world, according to The Associated Press.

Since Sept. 11, 2001, agents and support personnel have worked along with permanent legal attaches on terrorism investigations. The legal attaches, known as legats, are often involved directly in the interrogation of suspects or criminals. The information gleaned from these interviews is then sent back to the United States for follow-up investigation.

Having agents in dozens of cities who could coordinate with authorities in Europe and Canada after the attacks allowed the FBI to track down leads

Higgins:

Marines, sheriff's unit learn from each other

By Joshua S. Higgins

Recognizing and seizing an opportunity, members of the Base Special Reaction Team at the Marine base at Camp Lejeune, N.C., and Special Response Team members from the Lenoir County Sheriff's Department trained together recently in vacated housing units on the base.

The military police and law enforcement officers practiced breaching methods, room-clearing and shield usage as part of a joint training agreement established more than a year ago.

Neither of the teams took on a teaching role during the training; instead, they shared ideas and techniques that may be used to improve their own methods of operation.

"We watch each other perform entries and incorporate what we learn into our operating procedures and training," said Det. Jim Oldenburg of the sheriff's department. "We put our egos aside because this is about training, not who can do the job better."

An echo of agreement was quick in coming from the Marines about the collaborative effort.

Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

"No one is perfect in this profession, so the more training we can get, the more prepared we are," said Staff Sgt. Robert E. Davis Jr., the BSRT commander. "Anything we can take from this is just more tools in our bag, so to speak."

Though neither team tries to impose a certain way of doing its job on the other, the Marines have the edge when it comes to experience. The 10-member team of law enforcement officers is made up of volunteers from the sheriff's department who only train as a group twice a month, according to Oldenburg. When the Marines give the officers advice, they are very receptive.

"These guys train together all the time so we listen carefully to what they have to say," said sheriff's Det. R. Chris Russell. "Some of the best training we get is at Camp Lejeune."

Base SRT members attend a two-week course at Fort Leonard Wood, Mo., and have access to a wide array of advanced courses, such as the Dynamic Entry Course and High Risk Personnel Course in Quantico, Va., and the Marksman Observer Course, also at Fort Leonard Wood, according to Davis.

While the availability of training is much different for the units, the job description is not. Both train for a variety of missions, including hostage rescue, barricaded suspects, counter-sniper, drug raids, high-risk apprehensions and vehicle assaults.

"The situations we react to are very similar to those the Marines react to," said Oldenburg. "The only difference is that we only come together as a collective team during an actual crisis, where those guys always work together."

The similarity between the Marines and the



Official U.S. Marine Corps photo / Joshua S. Higgins

Marine Sgt. T. Aaron Stroud (l.) and Cpl. Adam P. Schenk enter a house during a joint training exercise with the Lenoir County Sheriff's Department's Special Response Team.

sheriff's personnel extends to their dedication to their job, even though it can be fraught with danger. If the teams get called out on an assignment, it usually means all other and lesser means of apprehension have failed and there is a significant threat.

"If it comes to us being deployed for a mission, it won't be because someone stole a candy bar from a store," said Davis. "Accomplishing the mission without anyone getting hurt, to include the suspect, is our gratification."

The law enforcement officers get their satisfaction from knowing they are doing their county a great service.

"We know there is a need for a Special Response Team, so we step up to the challenge for our citizens," said Russell. "We volunteer solely out of motivation and devotion to our community."

(Sgt. Joshua S. Higgins, U.S.M.C., is a public affairs officer stationed at Camp Lejeune, N.C.)

Other Voices

(A sampling of editorial views on criminal justice issues.)

State Police: Sensible sharing of towers shouldn't need a law

The state House made what looked to be an easy call Tuesday, passing a bill telling Michigan State Police to let other public safety agencies attach communications equipment to State Police towers. The bill would save taxpayers millions of dollars because local governments wouldn't have to build their own towers. Still, it should not take a law to force this kind of cooperation. The state ought to work out a voluntary agreement with local governments to best use state resources. Since Gov. Jennifer Granholm wants the issue resolved without legislation, she should direct the State Police to accommodate the other agencies. Local public safety agencies currently can subscribe to the Michigan Public Safety Communications System, with 181 towers statewide, but can't hang their equipment on them. Some local governments don't think the state system meets their needs. Oakland County says its \$40-million radio system is better because it will allow county officers to use their radios almost anywhere — indoors or out. But it wants to save more than \$2 million by hanging its microwave transmitters on a State Police tower. The basic idea of sharing tower space is sound. In these tough times, state and local governments shouldn't need a law to move ahead with a sensible plan to save money.

— The Detroit Free Press, April 12, 2003

Enforce gun laws — without exception

While we understand why detectives decided not to pursue charges against Charles Smith, the 76-year-old man who shot and killed an 18-year-old who tried to steal his van, prosecutors had an obligation to do just that. Smith should have been charged with the illegal possession of a weapon if police are serious about getting guns off the street. Unfortunately, the decision not to charge Smith because of the "traumatic" circumstances sends the message that "conceal and carry" is a de facto law. To reduce gun deaths, prosecutors must handle

every incident of unlawful use or possession of a weapon as a serious crime, even when the tragedy involves juveniles. Two weeks ago, a 6-year-old boy fatally shot himself while playing with a gun in his bedroom. Although it may seem cold and heartless to charge his parents with violating gun laws, not doing so exacerbates the problem. The city's gun ordinance should not be enforced selectively, even under the most tragic circumstances. Selective enforcement of gun laws only backfires by telling everyone you can own a gun and hope to get a pass from the law.

— The Chicago Sun-Times, April 25, 2003

For the good of the force

News of the dismissal of two Seattle policemen for cheating on a promotional exam is a sad story about a waste of talent, experience and careers. A lengthy investigation by the Seattle Police Department concluded a lieutenant provided his friend, a longtime patrolman, with answers to questions on a rigorous examination for promotion to sergeant. Such help is clearly cheating and violates the basic honesty expected of school children, let alone officers of the law. Beyond personal dishonor, access to confidential information is wholly unfair to colleagues who put in the long hours preparing for the test. Promotions are earned with faithful service, competence in the field and the detailed knowledge that is a product of both experience and study. Police Chief Gil Kerlikowske said the incident should not detract from the department's reputation. No, indeed. The willingness of the police to undertake a lengthy, careful investigation and act on the findings burnishes the department's standing in the community. Police officers are valued for their integrity and judgment, which are tested every shift.

— The Seattle Times, April 28, 2003

A costly gift to police

The Massachusetts Board of Higher Education is closing the far-flung "cop shops" that specialize in quickie criminal justice diplomas. But the foundation of the Police Career Incentive Pay Program — the so-called Quinn Bill — remains unsound. A report by the nonprofit Boston Municipal Research Bureau wisely calls on Governor Romney and the Legislature to discard the program and replace it with a rational incentive that links an

officer's educational attainment with greater job responsibilities and higher compensation. Under the proposal, candidates would be required, minimally, to earn an associate's degree before joining a police department in Massachusetts. Promotions would be tied to higher educational qualifications. A combination of existing collective bargaining agreements and a reluctance on the part of politicians to take on the police unions makes such sweeping reform unlikely. But changes must be made to the Quinn Bill's provisions, which cost the public about \$100 million annually, often with little to show in return. Police argue that today's officers need higher education to meet greater technological and social demands. But the Quinn Bill doesn't recognize degrees in computer science, psychology, or any field other than criminal justice. Senator Robert O'Leary, a Barnstable Democrat, is leading with a bill that would require police officers to earn degrees before entering the force. His Senate colleagues should join him in the effort to unhitch taxpayers from this boondoggle.

— The Boston Globe, April 29, 2003

Common sense for gun safety

North Charleston police have taken a positive step by giving away hundreds of gunlocks to promote gun safety. The goal of this generosity is to minimize the chance of accidental shootings. Such a shooting took place four weeks ago in North Charleston when a 12-year-old boy shot his 8-year-old sister with a 12-gauge shotgun after erroneously assuming that she was an intruder in their home. Fortunately, the 8-year-old girl survived. And fortunately, North Charleston authorities are working hard to emphasize the need for gun safety. Project Homesafe, a firearm safety program run by the National Shooting Sports Foundation, provided the gunlocks that were distributed by the North Charleston police. But gunlocks alone provide no guarantee from gun accidents. Keeping guns out of children's reach without proper supervision — a simple application of common sense — is the best way to protect them from what those guns can do when improperly used. The self-defense purpose of owning a firearm is tragically defeated when a gun accident injures or kills an innocent victim.

— The Charleston, S.C., Post and Courier, April 29, 2003

Interoperability progresses, with far to go

Continued from Page 1

of 100, the nation's score improved from 40.82 in 2001 — when the first report card was released — to 57.65 in 2003.

The figures do not necessarily look at specific jurisdictions, but are based on data collected from state-level communications personnel. A nationwide figure was arrived at by totaling and then averaging interoperability scores in each of six key issues: shared systems development; coordination and partnerships; funding; spectrum, standards and technology; and security.

States are categorized with regard to their progress as either new, developing or established.

"It is basically a snapshot as of the end of last year [as to] where everyone was on solving their interoperability issues — in other words, putting together some backbone system that others can hop onto to be able to communicate with one another when they need to," Murphy told LEN.

According to the wireless network's findings, the greatest increases were found in the areas of security, which improved by 122.20 percent, partnerships, by 80.46 percent, and standards and technology, by 74.60 percent.

Overall, 78 percent of states increased their interoperability scores between 2001 and 2002, with just 22 percent showing a decrease.

Among the states that moved from the developing category into established were Illinois, Nevada, Ohio, Pennsylvania, South Carolina and South Dakota. Murphy singled out Pennsylvania as having achieved one of the most significant improvements.

According to the program, the state is implementing an 800 MHz radio system based on voice-over-Internet Protocol technology that will provide wireless communications to state agencies and various local agencies.

The system, the report card observed, will offer a single, high-capacity radio network whose users share radio towers, signal transmitters and other infrastructure. Activated in June 2002, users throughout the state are now making the transition to using it. Some \$22 million has been allocated to date for the network.

In Nevada, the state scored high in the areas of security, standards and technology, and funding, all of which reached the "established" category.

The McCarran International Airport in Las Vegas, the report said, has imple-

One chief says two things are needed: more frequencies, and "a lot of dollars."

mented an 800 MHz trunked radio communications system that serves the facility's security team, as well as members of the Las Vegas Metropolitan Police Department and Clark County Fire Department. It uses approximately 315 portable and mobile radios.

Meanwhile, other states, including Georgia, Kansas, Hawaii and Rhode Island, are still in the beginning stages.

"Some are just starting their funding allocation through the legislative process, others have the funding but what they're doing is putting together partnerships, others have both of those, but they're putting together their technologies," said Murphy.

Each state, he said, has shown improvement in various areas.

"In Pennsylvania's case, it was the fact that they were just at the verge of starting theirs," said Murphy. "The reason they showed so much improvement was because they're actually already installing the system over the last two years. They've gone a long way on their

own volition to get to that point."

While Virginia did not make it into PSWN's "established" category, there has been a dramatic increase in the number of jurisdictions that have developed wireless communications systems. Among these is Botetourt County, which implemented a \$3-million simulcast, two-way radio communications system in 1999 to serve all of its public safety agencies.

The system consists of a microwave backbone network, high-speed telephone and data transmission capability, an emergency power recovery feature, and an advanced network management and monitoring capability. In addition, the system provides emergency communications coverage to 99 percent of the county.

The city of Manassas has implemented a \$2.8-million, 800 MHz digital trunked two-way radio communications system linking its police, fire, public works, and electric departments. It is also interoperable with the nearby Fairfax County system and other surrounding communities during incidents that require mutual-aid response.

Perhaps the most extensive system, however, has been that developed over the past five years by officials in Chesterfield and Henrico counties, and the city of Richmond.

"I don't know of anything like it, I really don't," Col. Carl R. Baker, chief of the Chesterfield County Police Department said in an interview with LEN. "I think this is probably the largest geographical or regional area that has ever put a system together like this."

The county's 800-megahertz digitally-trunked system, which cost approximately \$70 million, was fully implemented about a year ago. The system is computer-controlled and uses all the available frequencies in a pool, allocating one each time as someone on the group needs to communicate.

All of the county's public safety departments, along with those of smaller municipalities in the region, are linked by a single frequency. When a vehicle pursuit or foot chase takes an officer from one jurisdiction to another, there is total interoperability between departments, said Baker.

"If we have a pursuit, the officer stays on his regular channel and all the others, if he goes into another jurisdiction, they just hit 'pursuit' and they all go on the same channel," he said.

Baker chairs the Law Enforcement Corrections Technology Advisory Council for the National Institute of Justice. A healthy portion of the funding presently being allocated for the Office of National Drug Control Policy, the NIJ and the Department of Homeland Defense is being set aside to tackle the problem, he said.

"We understood it to be such a problem that we were willing to put \$70 million into it," he told LEN.

But for those departments that do not enjoy such funding, Baker said that agencies such as NIJ have equipment which jurisdictions could borrow in an emergency, as does ONDCP.

"There have been some advances, and some quick fixes," he said. "But the long-term fixes are down the road. And we have to understand that two things are going to be required: The FCC gives us more frequencies, and secondly, that it's going to cost a lot of dollars," he said.

Pa. cop found lacking one critical ingredient

He had a gun, he had a badge, but what Harveys Lake, Pa., Police Officer Charles Musial did not have when he was making arrests over the past three years was certification from the state's Municipal Police Officers' Education & Training Commission.

At least a half-dozen cases involving arrests Musial made between 1999 and 2002 could now be in jeopardy, according to Mayor Richard Boice.

Boice took over the six-person department after Jeff Butler stepped down as chief in January. Butler, who apparently lost track of the licenses, is now officer in charge.

"Where we found fault with him was that he didn't follow through," Boice told The Associated Press. "Then, in his words, he just let it go and didn't follow through with it."

Boice said Butler had mailed in Musial's application for certification, but did not realize until three years later that the form had not come back. But Boice nonetheless contends that Musial was a fully qualified officer who fell victim to misplaced paperwork. Another officer was also uncertified, but he made no arrests. Both had received the necessary training in firearms, CPR, first aid and other areas.

"Nothing lacked," said Boice.

Luzerne County District Attorney David Lupa has also argued that Musial was acting as a "de facto police

officer." He called the lack of certification "the epitome of a technicality."

The state commission begs to differ, however.

"If a person tries to make arrests while they're not certified, the courts could view his arrests as not valid," E. Beverly Young, the commission's administrative officer, said in an interview with Law Enforcement News. "The courts could very well say the arrests are void because he did not have the authority to do it."

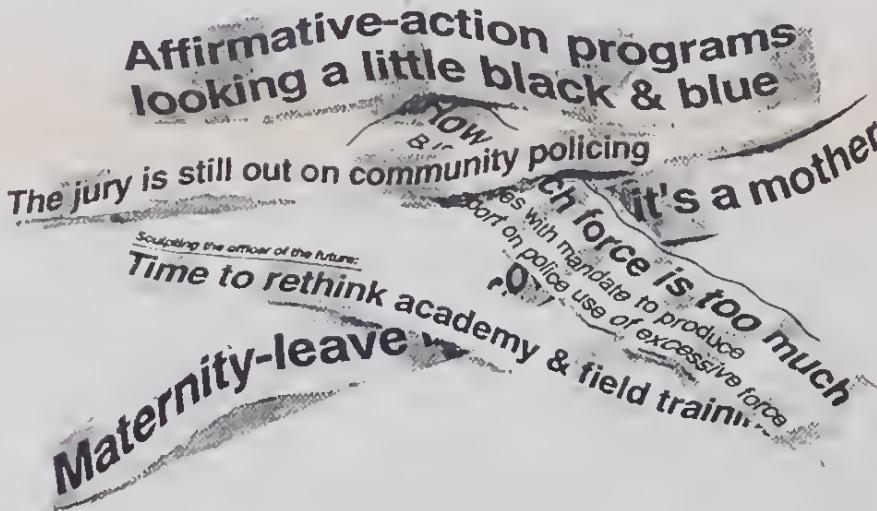
County prosecutor Lupa said charges have already been dismissed in the case of a man Musial arrested for resisting arrest, harassment and stalking. Lupa has appealed that ruling, along with the reversal of a DUI conviction that was based on the grounds that the arresting officer was unlicensed.

The defendant, Ronald Wieczorek, was serving a sentence of one to two years. "He would not have pled guilty had he known the officer wasn't certified," said defense attorney John Pike.

Young said the case was extremely unusual and should serve as a reminder to chiefs that all officers, including those who serve in a part-time capacity, must have certification for whichever agency they work for.

"I'd like to think that chiefs are now taking a much closer look at the officers they have working for them," she told LEN.

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Law Enforcement News

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Corruption, DoJ report greet Miami chief

Continued from Page 1
one," Richard Sharpstein, an attorney for Beguiristain and Castello, told The New York Times. "Where's the conspiracy? There was none. The government tried all of the defendants together," and they suffered.

Five other officers were acquitted of wrongdoing in the shooting of 73-year-old Richard Brown, who hid in a bathroom with his 14-year-old granddaughter as police fired 123 bullets into his home. Another group of five officers were also acquitted in the 1995 shoot-

ing deaths of two suspects who were killed as they fled on a highway overpass from a robbery scene.

Prosecutors said they would retry four of the defendants after the jury failed to reach a unanimous decision on all charges. Jorge Garcia, 40, and Israel Gonzalez, a 43-year-old lieutenant, were charged with conspiracy, perjury and obstruction following the shooting of suspects Antonio Young and Oerrick Wiltshire. Jose Quintero, 39, faces conspiracy charges, and Jose Acuna, 44, were charged in the cover-up of the

Hoban shooting.

Former officers Rafael Fuentes and Eliezer Lopez, both 35, and Alejandro Macias, 38, were acquitted on charges of conspiracy and obstruction of justice.

All of the officers have been fired or suspended, or have retired. None testified in his own defense.

"People throw around the term corruption pretty loosely," said Timoney, a former Philadelphia police commissioner and second in command of the New York City Police Department. "They call them 11 corrupt cops, but in my view, and if you look at the NYPO's rules and procedures



patrol guides, they make a difference between what's defined as corruption... and misconduct, which is often abuse of force. They're both criminal, but one has more to do as the outgrowth of doing your work. The other is you stopped off this morning before you went to work with the intent of committing a crime. Those 11, they didn't steal anything, they were involved in what I would consider misconduct. Nonetheless, it's criminal."

While the Miami Police Department's reputation has suffered over the years, Timoney believes it is partly earned and partly perception. He credits the force, however, with being open to change, although he noted that there is always some resistance.

"They've said, 'We've got a problem and I'm glad you're here to fix it and we're on board,'" he said. "I haven't gotten, 'Oh, here's this guy coming down from the North and he's going to tell us what to do.' Half the battle is getting them to recognize that we have a problem, we haven't been doing it right, and we're going to fix it."

The Justice Department was called in separately by both Mayor Manuel Oiz and former chief Raul Martinez in 2002 to evaluate the department's policies and procedures and make recommendations.

Among its key findings was that the agency's Departmental Orders were inconsistent in their definition of appropriate use of force.

Moreover, there was no clear guidance from the department on what constituted reasonable use of force. Its main use-of-force policy, the DoJ report said, does not contain the type of continuum applied by many major city departments.

"The [force] matrix we saw at survival training is outdated, and does not include some of the specific types of force MPD officers use, such as canines and Tasers," the report noted. "Lack of specific guidance may lead officers to believe they are justified in using force in situations in which it would be unreasonable or unnecessary," it said.

Officers should be taught de-escalation and regrouping techniques in addition to survival tactics, according to the report. Justice Department investigators also observed instances in which officers suggested to trainers that they need not follow a new deadly-force policy implemented in 2001 by Martinez, which prohibits shooting at fleeing suspects who pose a threat to the community. Under the new rule, a

suspect has to be armed and pose a "serious imminent danger" to an officer or another person.

The report said trainers also emphasized that the decision to use deadly force was dependent on an officer's perception of an immediate threat, without the concurrent perception that it be objectively reasonable.

Finding that only 70 officers have received crisis intervention training, the Justice Department report recommended greatly increasing the number of Crisis Intervention Team officers, those who are trained to work with homeless and mentally-ill subjects. Furthermore, the report suggested that all of the agency's sergeants receive separate training, both those new to their responsibilities and veteran supervisors.

Timoney said that the policy on physical force that he planned to put in place would be more restrictive than that offered by the Justice Department. The way the agency's fleeing felon guidelines are crafted creates ambiguity, he said.

"We'd add in the notion of no shooting," said Timoney. "The way the policy is right now, you're allowed to shoot at cars. That will change. We'll be more restrictive of that."

Necessary force is an issue that will appear in a variety of different policies, he said, including the handling of emotionally-disturbed individuals, the homeless, and domestic violence calls. But wherever it appears, the language — the adjectives, said Timoney — should always be the same.

"It shouldn't be 'imminent' in one area, and you go use another word in another area," he said. "All that does is create a loophole that a police officer could use, to say, 'I was following the guidelines in some other area.' We found those issues, and there were also some inconsistencies and contradictions."

Indeed, the report found that while comprehensive in scope, Oepartmental

Orders were poorly organized. While the main use-of-force policy is found in the DOs, important parts of it are elsewhere, such as Firearms and Weapons, Code of Ethics, and Arrests-unnecessary Force.

There are other instances, it said, in which policies no longer in effect are still in the manual. Hogtying, for example, is still listed, although it is prohibited as anything but a last resort.

"The ability to find a complete policy quickly is especially important for those policies that officers would be expected to refer to often, including use of force, incident reporting, and arrest procedures," the report said. "Currently, all of these policies are scattered throughout the DO manual."

Rules of conduct, also found throughout the guide, should be contained within one area, said the report.

Another issue is training.

Unlike the NYPO, where recruits are simultaneously taught both the state's laws and the department's policies, in Florida, candidates attend college, then are trained for five to six months and finish up at a department for the remaining two months of their instruction. The problem, said Timoney, is that they are not taught departmental policy. They must be retrained when they come on board.

"It's not the best way of doing business," the chief said. "They say when you graduate from us, then you can train on much more restrictive public guidelines. There is a bit of a disconnect there. It's so much easier to train them in the class room. They can say, 'Here's what the law says, and you can do this under the law, however, the department is going to require you to do the following.'"

The OoJ report noted that it found no link between academy training and field training. It recommended that training become more centralized, pointing out that at present, different units such as canine, SWAT and marine patrol all do their own training.

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Can you hear me now?



New report card gives mixed grades to advances in interoperability of public safety communications.

Story, Page 1.

You scratch my back. . . .



Joint training exercise shows Marine special reaction team and its counterpart from the local sheriff's department how much they can learn from each other.

Forum, Page 9.

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What They Are Saying:

"If you have a high-school diploma, can chew gum and walk at the same time, that is often the rule for dispatchers."

— Tod Burke, a former police officer and now an associate professor of criminal justice in Virginia, on a "unique" law in Kentucky that sharply increases training requirements for emergency dispatchers in that state. (Story, Page 8.)